

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY ) MDL No. 1456  
AVERAGE WHOLESALE PRICE LITIGATION ) Master File No. 01-12257-PBS  
 ) Subcategory Case No. 06-11337  
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 ) Judge Patti B. Saris  
THIS DOCUMENT RELATES TO: )  
State of California, *ex rel.* Ven-A-Care v. ) Magistrate Judge  
Abbott Laboratories, Inc., *et al.* ) Marianne B. Bowler  
Case No: 03-cv-11226-PBS )  
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**JOINT MOTION TO SET REVISED BRIEFING SCHEDULE  
FOR MOTIONS FOR SUMMARY JUDGMENT AND AMEND CMO 31**

Plaintiffs State of California and relator Ven-A-Care of the Florida Keys (“Plaintiffs”) together with Defendants Dey, Inc., Dey, L.P., Mylan Pharmaceuticals Inc., Mylan Inc., and Sandoz Inc. (“Defendants”), jointly move this Court to revise the briefing schedule for motions for summary judgment by extending the current dates by three weeks and to similarly extend all such dates contained in Amended CMO 31. The grounds for this motion are stated in the accompanying Memorandum in Support of Joint Motion to Set Revised Briefing Schedule for Motions for Summary Judgment and Amend CMO 31.

WHEREFORE, for the reasons set forth in the above referenced memorandum, the Plaintiffs and Defendants respectfully request that the Court grant this motion and sign the attached Proposed Case Management Order.

Dated: October 16, 2009

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on October 16, 2009, a copy to Lexis-Nexis for posting and notification to all parties.

/s/ Nicholas N. Paul  
NICHOLAS N. PAUL